

**WAUKESHA COUNTY BOARD OF ADJUSTMENT
SUMMARY OF MEETING**

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, June 8, 2011, at 6:30 p.m. in Room AC 255/259 of the Waukesha County Administration Center, 515 W. Moreland Blvd., Waukesha County, Wisconsin, 53188.

BOARD MEMBERS PRESENT: Robert Bartholomew
Tom Day
Walter Schmidt
Richard Bayer

BOARD MEMBERS ABSENT: Nancy M. Bonniwell

SECRETARY TO THE BOARD: Tom Day, Acting Secretary

OTHERS PRESENT: Sheri Lieffring, Senior Land Use Specialist
Paul Stirmel, BA11:020, owner, BA11:020
Tom & Mary Jo Romportl, owner, BA11:022
John Newell, representative, BA11:023
Paul Schultz, architect, BA11:023
Chris & Lori Didier, potential buyers, BA11:019
Paul Jansen, agent, BA11:018
Rose Mary O'Byrne, neighbor, BA11:019

The following is a record of the motions and decisions made by the Board of Adjustment. Detailed minutes of these proceedings are not produced, however, a taped record of the meeting is kept on file in the office of the Waukesha County Department of Parks and Land Use and a taped copy is available, at cost, upon request.

SUMMARIES OF PREVIOUS MEETINGS:

Mr. Day *I make a motion to approve the Summary of the Meeting of May 11, 2011.*

The motion was seconded by Mr. Schmidt and carried unanimously.

NEW BUSINESS:

BA11:019 WAUKESHA COUNTY (OWNER) WAUKESHA COUNTY DEPT. OF PUBLIC WORKS (APPLICANT):

Mr. Day *I make a motion to approve the request, in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report.*

The motion was seconded by Mr. Bayer and carried unanimously.

The Planning and Zoning Division staff's recommendation was for **approval** of the request for a variance from the height limitation of the Waukesha County Airport Height Limitation Ordinance, to permit a temporary construction crane exceeding the maximum permitted height, to be used in the installation of solar panels on the County jail building, subject to the following conditions:

1. The Federal Aviation Administration (F.A.A.) must complete an aeronautical study to determine the effect of the proposed temporary cranes on flight operations at the Waukesha County Airport and issue a "Determination of No Hazard to Air Navigation" for the proposed use of the temporary cranes. A copy of the "Determination of No Hazard to Air Navigation" must be submitted to the Waukesha County Department of Parks and Land Use - Planning and Zoning Division staff, prior to operation of the cranes. All conditions of the F.A.A. "Determination of No Hazard to Air Navigation" must be complied with.
2. The temporary cranes must be marked in conformance with the guidelines for obstruction marking found in Federal Aviation Administration Advisory Circular AC 70/7460-1K Obstruction Marking and Lighting, marked - Chapters 3 and 12.
3. The cranes must be lowered below the maximum permitted elevation of 970 ft. amsl. at night and when not in use.
4. The crane operators must be in contact with the Waukesha County Airport tower to ensure that the operation of the cranes will not be restricting air flight patterns and to place the airport on notice that the cranes are in operating condition and may exceed the height limitations on a given day.
5. This Variance is only valid until the installation of the solar panels on the County jail building is complete.
6. All conditions of the Waukesha County Airport Commission's recommendation letter dated May 11, 2011, shall be complied with.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

Although the purpose of the airport height ordinance is to keep structures below certain elevations in the vicinity of the airport, temporary intrusion into that space is sometimes necessary for construction projects. As a result, the Bureau of Aeronautics and the FAA have provisions in place to regulate and accommodate temporary structures or construction equipment. Waukesha County must perform essential government services, and the existing County campus is located near the Waukesha County Airport. The Waukesha County Jail was expanded in 2003 and avoidance of further neighborhood impact necessitated vertical expansion, which in turn, makes improvements to a vertically oriented structure, such as the jail, challenging from a construction standpoint. The approval of this request, with the recommended conditions, will allow limited temporary use of a crane in a manner that will not be a hazard to the safe operation of aircraft and will allow the solar panel installation on the roof of the County jail. This will allow for a renewable source of clean energy to replace conventional hot water heating, which will save both electricity and natural gas. Although the crane will exceed the height limitation, its temporary and occasional use during normal operating hours, with the limitations recommended above, will not compromise the safety of pilots and their passengers, people living in the vicinity of the Waukesha County Airport, or the general public. Therefore, the approval of this request, with the recommended conditions, is not contrary to the public interest and is in conformance with the purpose and intent of the Waukesha County Airport Height Limitation Ordinance.

BA11:021 INTERNATIONAL CRANE FOUNDATION (OWNER) PAUL SCHULTZ
(PETITIONER):

Mr. Day

I make a motion to deny the request for variances from the C-1 (EFD) District requirements for lateral expansion into the floodplain and approve the requested variances from the shore setback and offset requirements of the Ordinance, in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report.

The motion was seconded by Mr. Schmidt and carried unanimously.

The Planning and Zoning Division staff's recommendation was for denial of the request for variances from the C-1 (EFD) District requirements for lateral expansion into the floodplain and approved the requested variances from the shore setback and offset requirements of the Ordinance, subject to the following conditions:

1. Prior to the issuance of a Zoning Permit, the Environmental Health Division must certify that the existing septic system is adequate for the proposed construction, or a Sanitary Permit for a new waste disposal system must be issued and a copy furnished to the Planning and Zoning Division staff.
2. Prior to the issuance of a Zoning Permit, all existing structures must be removed from the property.
3. The footprint of the residence and garage (whether attached or detached) shall not exceed 1,650 sq. ft. This shall consist of a minimum 850 sq. ft. first floor for the residence and a minimum 400 sq. ft. garage. This will result in no lateral expansion into the floodplain.
4. The total floor area on the property shall not exceed 15%.
5. The proposed residence and garage must conform to the height requirements of the Ordinance.
6. The residence and deck must be located a minimum of 30 ft. from the eastern shoreline and 38 ft. from the western shoreline.
7. The deck must be flood proofed. Flood proofing measures shall at a minimum provide anchorage to resist floatation and lateral movement.
8. A detached garage must be located a minimum of 55 ft. from the western shoreline and 72 ft. from the eastern shoreline.
9. A detached garage must be located a minimum of 10 ft. from the north lot line.
10. The structure shall not have a High Flood Damage Potential (i.e. damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure and its contents). This must be certified by a Professional Engineer licensed in the State of Wisconsin.

11. The construction shall not impede drainage, obstruct flow, reduce the flood water storage capacity of the floodland or result in an increase regional flood height. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or an analysis calculating the effects of this proposal on regional flood height to ensure that the effects of the proposal are according to the standards set forth in Section 3(d)5.A must be provided. These standards state that the submitted plans and calculations must demonstrate that the proposed fill of the floodplain does not impede drainage, obstruct flows, or reduce the floodwater storage capacity of the floodland. This analysis must be performed and certified by a Professional Engineer licensed in the State of Wisconsin.
12. If the flood storage capacity is proposed to be reduced, compensating storage capacity of the floodplain must be provided on this property in a manner that is not deleterious to other properties or the quality of any waters or wetlands. Compensatory storage is required for all areas of authorized fill on a minimum of a one to one basis, which equals 100% replacement of any lost floodplain storage capacity. Excavation below the groundwater table is not considered to provide an equal volume of storage. The area of compensatory floodplain storage shall be in close proximity to the fill activity and shall not result in an increase in floodplain elevations on upstream or downstream properties. This analysis must be performed and certified by a Professional Engineer licensed in the State of Wisconsin.
13. The elevation of the lowest floor of the residence and any attached garage, excluding any basement or crawlspace 5 ft. or less in height, shall be placed at or above the flood protection elevation (estimated 872.0 amsl) and reconstruction may only occur on the same foundation or newly constructed foundation which represents no greater an encroachment or extension of the previously existing structure other than vertically. Said foundation shall be floodproofed and certified as set forth herein. Basements or crawlspaces that are 5 feet or less in height must comply with Condition No. 14 below.
14. Fill shall be used to elevate the lowest floor, excluding those basements or crawlspaces, 5 ft. or less in height, so as to meet the above. The fill surrounding the structure shall not be less than one (1) foot below the flood protection elevation for the particular area and the fill shall extend at such elevation at least fifteen (15) feet beyond the limits of the structure. The fill shall not negatively alter floodwater conveyance or increase flood heights. Where such distance cannot be achieved because of lot lines, elevations of existing streets or sewer lines, flood impacts, or other similar constraints, said fill elevation shall extend as far as is practicable resulting in no slope conditions at its terminus which may adversely affect surface water drainage on adjacent properties. In addition, where the fifteen (15) feet of fill cannot be achieved as set forth above, the structures shall be flood proofed to the flood protection elevation in accordance with the methods set forth herein and shall be certified as such by an architect or professional engineer registered in the State of Wisconsin and be authorized by the WDNR. Other methods may be used, as long as they are certified as set forth above, which are designed to the flood protection elevation for the particular area in question. All flood proofing measures shall at a minimum provide anchorage to resist flotation and lateral movement, and shall insure that the structural walls and floors are watertight. In order to insure that adequate measures are taken, the applicant shall submit a plan or document certified, as above, that the flood proofing measures are adequately designed to protect the property to the flood protection elevation for the subject area.

15. If the residence has a basement or crawlspace which is 5 ft. in height or less and which is not useable as living area, the surface of the floor of the basement or crawlspace shall be at or above the regional flood elevation. Heating, ventilation, air conditioning, electrical and gas equipment shall be at or above the flood protection elevation. In any case, the basement or crawlspace shall be flood proofed in accordance with section 8(c) of the Ordinance to the flood protection elevation so that floodwater cannot enter directly over the ground surface into such basement or crawlspace.
16. The elevation of the lowest floor of an accessory structure (i.e. detached garage shall be constructed with its lowest floor a minimum of one foot above the regional flood elevation.
17. In addition to the lowest floor elevation and fill requirements of this ordinance, any structure must meet the flood proofing standards set forth in Section 8(c) of the Ordinance.
18. There shall be contiguous dry land access provided to the residence and garage (whether attached or detached). Dry land access is to be considered a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough for wheeled rescue and relief vehicles. In developments where existing street or sewer line elevations make compliance with Section 8(b)A.v. impractical, a permit may be issued where access roads are at or below the regional flood elevation, if the municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or the municipality has a natural disaster plan approved by Wisconsin Emergency Management and the WDNR.
19. All private sewage systems and private wells shall be floodproofed to the flood protection elevation pursuant to Section 8(c) of this ordinance and shall conform with the provisions of the Waukesha County Code of Ordinances and Wisconsin Administrative Codes where applicable to such facilities.
20. No change in the existing topography or drainage courses on any land will be allowed, which will result in adversely altering the drainage or increasing any portion of the existing slope through fill and/or grading to a ratio greater than three (3) horizontal to one (1) vertical. Further, no fill or alterations will be permitted under any circumstances, which will alter the drainage or topography in a way that will adversely affect the surrounding lands.
21. Upon completion, the applicant must submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and flood proofing elevations are in compliance with the permit issued. Flood proofing measures also require certification by a registered professional engineer or architect that flood proofing measures meet the requirements of Section 8(c) of the Ordinance. A copy of that certification must be submitted to the Town of Merton Building Inspector and the Waukesha County Department of Parks and Land Use - Planning and Zoning Division Staff, prior to proceeding with construction.
22. Upon completion of the foundations of the residence and attached garage or detached garage, certification shall be obtained from a registered land surveyor that the floor elevations are in conformance with the above conditions.

23. The fill area and the fill around the residence and garage shall be in accordance with the final Grading Plan, to be approved by the Town Engineer and Waukesha County Planning and Zoning Division staff, and in accordance with the standards of FEMA Technical Bulletin No.10.
24. Upon completion of the project, an “As-Built” Grading Plan, showing the finished grades on the property must be prepared by a registered land surveyor or engineer and submitted to the Town Planner and the Waukesha County Department of Parks and Land Use - Planning and Zoning Division Staff. If that “as-built” Grading Plan indicates that the property has not been filled in accordance with the approved Grading Plan, the petitioners shall make whatever changes are necessary to bring the property into conformance with the approved Grading Plan. The final plans and fill and floor elevations shall be submitted to FEMA to obtain LOMR-F certification if flood insurance is to be avoided.
25. Prior to the issuance of a Zoning Permit, an updated Plat of Survey showing all proposed structures (including decks, patios, and walkways) in conformance with all conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division Staff for review and approval. This survey must show that the existing structures have been removed.
26. Prior to the issuance of a Zoning Permit, the final construction plans for the residence and garage (either attached or detached), in conformance with all conditions, must be submitted to Planning and Zoning Staff for review and approval.
27. In order to ensure the construction of a new residence does not result in adverse drainage onto adjacent properties, a detailed Grading and Drainage Plan, showing existing and proposed grades, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property or drain to the lake, and not to the neighboring properties or the road. The following information must also be submitted along with the Grading and Drainage Plan: a timetable for completion, the source and type of fill, a complete Vegetative Plan including seeding mixtures and amount of topsoil and mulch, an Erosion and Sediment Control Plan, and the impact of any grading on stormwater and drainage. This Grading Plan may be combined with the Plat of Survey required in Condition No. 24.
28. Floodplain Certificate of Compliance: No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a Floodplain Certificate of Compliance is issued by the Zoning Administrator. The Floodplain Certificate of Compliance shall show that the building or premises or part thereof, and the proposed use, conform to the floodplain provisions of this ordinance. If all provisions are met, the Floodplain Certificate of Compliance shall be issued within 10 ft. days after written notification that the permitted work completed. The Zoning Administrator shall issue the Floodplain Certificate of Compliance to the Town Building Inspector and a copy of the Floodplain Certificate of Compliance to the applicant.
29. Prior to the issuance of a Zoning Permit, a detailed tree removal/shoreland cutting plan, in compliance with the Shoreland Cutting regulations of the Ordinance, must be submitted to Waukesha County Planning and Zoning Division staff for review and approval.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The conditional approval of this request will allow the construction of a new residence and garage that provides a reasonable use of the property and is appropriately sized for the lot and particular lot conditions. Variances should only be granted to provide the minimum relief necessary for a reasonable use of the property and to accommodate physical limitations that prevent a reasonable use of the property; not to accommodate the personal preferences or needs of the current property owner. The entire property is within the estimated 100-year floodplain of North Lake and there is no conforming location on the lot for a structure to be constructed. However, it is possible to construct a smaller structure that provides a reasonable use that is more conforming to the district requirements than the requested proposal. It is important to note that the purpose and intent of the EFD District is to provide for the continued use of improved properties that lie within the floodplain and which are otherwise considered prohibited structures and to regulate them in accordance with sound floodplain management practices. It is further the intent of these provisions to regulate and diminish the proliferation of non-conforming structures and uses in floodplain areas and to regulate said reconstruction, remodeling, conversion and repair with the overall intent of lessening the public responsibilities attendant to the continued and expanded development of land and structures which are inherently incompatible with natural floodplains and to lessen the potential danger to life, safety, health and welfare of persons whose lands are subject to the hazards of floods. Allowing structures with a substantially larger footprint than existing conditions to be built on this property is not reasonable given that the entire property lies well below the estimated 100-year floodplain elevation of North Lake. It is critically important to limit the footprint size of structures in the floodplain, so as to not cause flooding problems on other nearby properties. Although the property likely cannot have a basement because of high groundwater conditions, that is not justification for allowing a larger structure. The inability to construct a basement on a floodplain parcel does not prevent reasonable use of the property for a house and garage. Properties entirely within the floodplain are generally not suited to basements. It is not reasonable to allow structures to be increased in size on floodplain properties from what would normally be permitted, nor allow lateral expansion into the floodplain, due to a lack of a basement. This approval, as conditioned, could result in over 3,300 sq. ft. of living and storage space, which provides reasonable use of this non-conforming property which is located entirely within the estimated 100-year floodplain. Therefore, the approval of this request, as conditioned, will be in conformance with the purpose and intent of the Ordinance.

BA11:022 TOM AND MARY JO ROMPORTL

Mr. Day

I make a motion to approve the request, in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report.

The motion was seconded by Mr. Bayer and carried unanimously.

The Planning and Zoning Division staff's recommendation was for approval of the request for variances from the shore setback, offset and open space requirements and approval of the request for a special exception from the accessory building floor area ratio requirements of the Ordinance to allow the construction of a new single-family residence and detached garage, subject to the following conditions:

1. The proposed residence, including the total square footage of the first and second floors of the residence, detached garage, any covered decks, covered patios and/or covered porches, etc, shall not exceed 15% of the lot area.
2. The detached garage must be a minimum of 400 sq. ft. in size, with overhangs not to exceed 2 ft.
3. The residence and all other appurtenances must be at least 10 ft. from the north lot line and 9.83 ft. from the south lot line, as measured to the outer edges of the walls and any windows/bump outs, fireplaces, etc. that extend further out from the structure than the walls, with overhangs not to exceed two (2) ft. in width. Patios and decks must be a minimum of 6 ft. from the lot lines. Any sidewalks, stairs, or walkways along the sides of the residence must be located 10 ft. from the side lot lines unless they are considered integral to an approved deck or patio in which case they may be as close as 6 ft. to the side lot lines.
4. The residence and detached garage and all other appurtenances must comply with the road setback requirements of the Ordinance as measured to the outer edges of the walls and any windows/bump outs that extend further out from the structure than the walls, with overhangs not to exceed two (2) ft. in width.
5. The proposed residence must not exceed three stories (including any exposed basement level), as viewed from the lake. The proposed residence and detached garage must conform to the height requirements of the Ordinance.
6. No detached structures, other than the proposed detached garage, are permitted.
7. All proposed retaining walls must comply with all applicable Ordinance requirements.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The approval of this request, with the recommended conditions, will allow a reasonable use of the property that is not unnecessarily burdensome. The open space variance is reasonable and necessary as the property is only 14,700 sq. ft. in size, whereas the open space requirement is 15,000 sq. ft. The variance from the offset and shore setback provisions are also reasonable as the foundation is only slightly non-conforming; it is located 9.83 ft. from south lot line, whereas 10 ft. is required and 74 ft. from the shore and whereas 75 ft. is required. It would be unnecessarily burdensome to require that the foundation be moved a few inches to comply with these provisions. In addition, the Board already approved the required open space variance for the previously proposed addition, as the new residence is the exact same size as previously approved. As recommended, a total floor area of approximately 2,190 sq. ft. (not including the basement square footage) provides a reasonable use of the property, is not unnecessarily burdensome, will permit a detached garage and new residence that will be appropriately sized for the lot, and will not be detrimental to the surrounding neighborhood or contrary to the public interest. Therefore, the approval of this request, with the recommended conditions, is in conformance with the purpose and intent of the Ordinance.

BA11:018 LTDB, INC. c/o PAUL M. JANSEN:

Mr. Bartholomew

I make a motion to approve the road setback and offset variances for the patio, and approve of the road setback variance for the awning, in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report with the following changes:

Condition No. 1 shall be amended to read: "The patio must be located a minimum of 3.3 ft from the edge of the established right-of-way of Wisconsin Avenue and 3 ft. from the east lot line."

The reasons shall be amended to read: "Due to the size and configuration of the lot, hardships exist with respect to the requested road setback variances. Conformance with the road setback requirement would be unnecessarily burdensome because the existing building and improvements are already non-conforming to this requirement. Granting the requested road setback variance will result in a patio that is no closer to the road than the existing patio and building and a small 2 ft. awning/overhang over the building entrance which will not be a safety hazard and which will be in keeping with other development in this downtown area of Okauchee. The requested offset variance is minor and does not have an adverse impact on any adjacent property and is not a nuisance. Therefore, the approval of variances from the road setback and offset requirements for the patio and awning, with the required conditions, is not contrary to the public interest and is in conformance with the purpose and intent of the Ordinance.

The motion was seconded by Mr. Day and carried 3-0. Mr. Schmidt abstained from the vote.

The Planning and Zoning Division staff's recommendation was for approval of the road setback variance and denial of the offset variances for the patio, and approval of the road setback variance for the awning, subject to the following conditions:

1. The patio must be located a minimum of 3.3 ft from the edge of the established right-of-way of Wisconsin Avenue and 5 ft. from the east lot line.
2. The awning must be located completely outside of the road-right-way unless the Oconomowoc Town Board approves the location of the awning partially within the established road right-of-way, and evidence of that approval must be submitted to the Planning and Zoning Division Staff.
3. Prior to the issuance of a Zoning Permit for the patio and awning, an updated Plat of Survey showing the proposed patio and awning in compliance with above conditions must be submitted to Planning & Zoning Division staff for review and approval.
4. All conditions of Site Plan/Plan of Operation PO-11-OCOT-05 must be complied with.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

Due to the size and configuration of the lot, hardships exist with respect to the requested road setback variances. Conformance with the road setback requirement would be unnecessarily burdensome because the existing building and improvements are already non-conforming to this requirement. Granting the requested road setback variance will result in a patio that is no closer to the road than the existing patio and building and a small 2 ft. awning/overhang over the building entrance which will not be a safety hazard and which will be in keeping with other development in this downtown area of Okauchee. The requested offset variance is minor and does not have an adverse impact on any adjacent property and is not a nuisance. Therefore, the approval of variances from the road setback and offset requirements for the patio and awning, with the required conditions, is not contrary to the public interest and is in conformance with the purpose and intent of the Ordinance.

BA11:020 PAUL STIRMEL:

Mr. Schmidt

I make a motion to approve the request, in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report.

The motion was seconded by Mr. Bartholomew and carried unanimously. Mr. Day recused himself from this hearing.

The Planning and Zoning Division staff's recommendation was for approval of the requested variances from the offset, open space and floodplain setback requirements to allow a 7-foot tall basement to be constructed under the existing residence and to allow for two small additions to the west side of the residence, subject to the following conditions:

1. The basement must be constructed in the same location as the existing residence.
2. The first floor shall be elevated a minimum of three (3) ft above the existing ground elevation surrounding the residence, as proposed.
3. There shall be no fill placed on the property to bring the yard grade up to the first floor. There shall be no filling or placement of topsoil in the floodplain areas.
4. The basement shall be constructed in accordance with all engineering recommendations contained in the 'Subsurface Exploration and Foundation Evaluation' done by Midwest Engineering dated March 21, 2011. In addition, the applicant shall have the engineer certify that all requirements of Waukesha County's Basement Wetness and Flooding Prevention Standards are complied with, including the submission of "Form A-Seasonal High Groundwater Interpretation Report".
5. The residence shall be no larger than 1,496 sq. ft. as proposed.
6. Prior to the issuance of a Zoning Permit for the proposed construction, a complete set of scaled plans for the residence, basement, and additions, as well as any proposed remodeling, in

conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.

7. Prior to issuance of a Zoning Permit, an updated detailed time and materials cost estimate of the project (basement and any proposed remodeling) shall be done by a contractor and submitted to Planning & Zoning Staff for review and approval.
8. Prior to the issuance of a Zoning Permit, a new stake-out survey showing the location of the proposed residence, including the proposed additions, as well as any proposed sidewalks, stairs, or walkways, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval. This survey must also show the field identified location of the 100-year floodplain elevation on the property. The survey must also indicate the surveyed lot size.
9. Upon completion of the foundation, an as-built survey must be immediately completed and submitted to Waukesha County Planning & Zoning Division staff for review and approval prior to moving forward with any additional construction. The purpose of this condition is to ensure that there is no encroachment into the floodplain.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The approval of this request, with the recommended conditions, will allow a reasonable use of the property that is not unnecessarily burdensome. The petitioner is asking for a modest basement to be constructed under the existing residence. The open space variance is reasonable and necessary as the property is only 11,269 sq. ft. in size, whereas the open space requirement is 15,000 sq. ft. The variance from the offset provision is also reasonable as there is permanently 56 ft. between this structure and next closest structure to the north due to the existence of an outlot between the properties. The floodplain setback variance is reasonable as there will be no encroachment into the floodplain; the residence will be elevated three feet above the existing ground elevation, and moving the house would require removal of most of the trees on the property as a new septic would need to be installed. The approval, as conditioned, will not be detrimental to the surrounding neighborhood or contrary to the public interest. Therefore, the approval of this request, with the recommended conditions, is in conformance with the purpose and intent of the Ordinance.

BA11:023 ASSOCIATED BANK (OWNER) POBLOCKI SIGN COMPANY (AGENT):

Mr. Schmidt

I make a motion to approve the request, in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report.

The motion was seconded by Mr. Bayer and carried unanimously.

The Planning and Zoning Division staff's recommendation was for **approval** of this request, subject to the following conditions:

1. A Site Plan/Plan of Operation Permit for the proposed sign must be approved by both the Town

of Oconomowoc Plan Commission and the Waukesha County Department of Parks and Land Use, prior to the issuance of a Zoning Permit for the proposed sign.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The approval of this request, with the recommended conditions, will allow a new free-standing sign on the subject property that is similarly sized to the existing sign and smaller than a free-standing illuminated sign on the adjacent property to the west. The proposed sign will comply with the sign height and setback requirements of the Ordinance. The building is set significantly back from the road right-of-way and does not contain a wall sign. Furthermore, due to the location of the property and the building, a larger free-standing sign is needed for visibility from Hwy 16, Wisconsin Ave. and Brown Street. There is a substantial tree line along the north and east sides of the property which helps to screen the view of the sign from the nearby residential properties. The property is bounded on the northwest by the BP gas station property and the park and ride is located on the opposite side of Wisconsin Avenue just north of Hwy 16.

To require that the sign be limited to 20 sq. ft. would be unnecessarily burdensome on the property owner as it would severely limit the visibility of the bank operation and would require the sign to be significantly smaller than the existing sign. It should be noted that the Planning and Zoning Division cannot find any record of complaints filed regarding the existing sign. The proposed sign will not be a safety hazard and will not be contrary to the public interest. Therefore, the approval of this request, with the recommended conditions, would be in conformance with the purpose and intent of the Ordinance.

OTHER ITEMS REQUIRING BOARD ACTION: None.

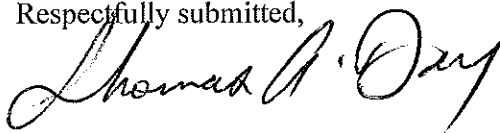
ADJOURNMENT:

Mr. Day

I make a motion to adjourn this meeting at 9:16 p.m.

The motion was seconded by Mr. Bayer and carried unanimously.

Respectfully submitted,



Thomas Day
Acting Secretary, Board of Adjustment